



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,351	12/13/2003	Xiong Sha Yang	Y366-002-PAT	3579
7590 03/09/2006				
Angenehm Law Firm, Ltd. P.O. Box 48755 Coon Rapids, MN 55448-0755		EXAMINER SAN MARTIN, EDGARDO		
		ART UNIT PAPER NUMBER		
		2837		

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

<b>Office Action Summary</b>	<b>Application No.</b> 10/734,351	<b>Applicant(s)</b> YANG, XIONG SHA	
	<b>Examiner</b> Edgardo San Martin	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/13/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 2 – 8 and 10 - 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Stastny (US 4,817,163).

With respect to claim 2, Stastny teaches a speaker (Fig.3, Item 17) and grill (Fig.3, Item 23), comprising a speaker horn (Fig.3, Item 18) disposed within a speaker box; a shaft (Fig.3, Item 25) having a central axis co-axial with the central axis of the speaker horn; and a selectively rotatable cover (Fig.3, Item 22) joined to the shaft (Fig.3; Col.3, Lines 29 – 57).

With respect to claims 3 – 7, 10, 17 and 18, Stastny teaches the limitations described in the claims (Fig.1; Col.1, Line 65 – Col.2, Line 57). Regarding claims 7, 10, 17 and 18, the Examiner has given little patentable weight, not yielding to a level sufficient for patentable distinction, to the abovementioned limitations and claims because they do not change or alter the utility, efficiency, functionality or performance of the speaker system, they are just merely aesthetic changes. See MPEP 2144.04

With respect to claim 8, Stastny teaches a motor (Fig.1, Item 11) joined to a rim (Fig.1, Item 7).

With respect to claims 11 and 19, Stastny teaches further including a light source (Figs.1 and 3, Items 13 and 26), the light source joined to the rim (Col.3, Lines 58 – 64).

With respect to claim 12, Stastny teaches wherein the shaft (Fig.3, Item 25) is rotatable (Col.3, Lines 29 – 57).

With respect to claims 13 – 16, Stastny teaches the limitations described in the claims (Fig.1; Col.1, Line 65 – Col.2, Line 57)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stastny (US 4,817,163).

Stastny teach a speaker (Fig.3, Item 17) and grill (Fig.3, Item 23), comprising a speaker horn (Fig.3, Item 18) disposed within a speaker box; a rim (Fig.1, Item 7) joined to the speaker box; a motor (Fig.1, Item 11) support joined to the rim; a rim cover (Fig.1 and 3, Items 3 and 23) disposed about the rim; a rotatable shaft (Fig.3, Item 25), the motor joined to the motor support and adapted to rotate the rotatable shaft (Fig.3); a power source joined to the motor, the power source powering the motor; and a rotatable cover (Fig.1 and 3, Items 4 and 22) joined to the rotatable shaft (Figs.1 and 3; Col.1,

Art Unit: 2837

Line 65 – Col.3, Line 57), but fails to disclose wherein the motor is joined to a rotatable shaft.

On the other hand, the Examiner considers that it would have been an obvious matter of design choice to join the motor to the rotatable shaft and to provide a motor support having a central aperture frame and spokes, the spokes joining the central aperture frame to the rim, the central aperture frame defining a central aperture, the motor being joined to the central aperture frame and the motor selectively rotating the rotatable shaft because it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

### ***Conclusion***

3. The attached hereto PTO Form 892 lists prior art made of record that the Examiner considered it pertinent to applicant's disclosure.
4. The Examiner would like to establish that he considers that US Patent No. 6,978,031 to Garretson et al. teach all the limitations described in the claims, however, the reference is not considered to be Prior Art since the reference does not comply with the 35 U.S.C 102 requirements.

### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edgardo San Martin whose telephone number is (571) 272-2074. The examiner can normally be reached on 8:00AM - 5:00PM.

Art Unit: 2837

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext.33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Edgardo San Martín  
Primary Examiner  
Art Unit 2837  
Class 181  
March 5, 2006